

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ANDRE CLEMMINS,

Petitioner,

13 CIVIL 4969 (CS) (JCM)

-against-

JUDGMENT

WILLIAM E. LEE,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated January 27, 2022, Before the Court are the Objections of Petitioner Andre Clemons, (ECF No. 71 ("Obj.")), to the Report and Recommendation of United States Magistrate Judge Judith C. McCarthy, (ECF No. 68 (the "R&R")), recommending that his petition under 28 U.S.C. § 2254 be denied. I overrule Petitioner's objections. In addition, I have reviewed the portions of the R&R to which no objection has been lodged and find no clear error. The petition is denied. Because reasonable jurists would not find it debatable that Petitioner has failed to make a substantial showing of a violation of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); accordingly, the case is closed.

Dated: New York, New York
January 27, 2022

RUBY J. KRAJICK

BY:

Clerk of Court

Deputy Clerk